

13. CODE OF ETHICS

13.01. Policy and Purpose. It is imperative that all persons acting in the public service not only maintain the highest possible standards of ethical conduct in their transaction of public business but that such standards be clearly defined and known to the public as well as to the persons acting in public service.

The proper operation of a democratic government requires that public officials be independent, impartial, and responsible to the people. Governmental decisions and policies must be made in the proper channels of the governmental structure. Public office may not be used for personal gain. Citizens must have confidence in the integrity of their government officials.

In recognition of these goals, there is hereby established a Code of Ethics for elected or appointed public officials, citizens volunteers, and candidates for public office. The purpose of this Code is to establish ethical standards of conduct for such persons by establishing acts which are incompatible with the City's best interests and requiring disclosure of private or financial interests in matters involving the City. The provisions and purposes of this Code are declared to be in the best interests of the City of Rochester.

13.02. Responsibilities of Public Office. Public officials hold office on behalf of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Minnesota. Public officials must carry out impartially the laws of the nation, state, and city in fostering respect for all government. They are bound in their official acts the highest standards of morality and to discharge faithfully the duties of their office. Public officials shall be dedicated to fulfilling their responsibilities of office. They shall be dedicated to the public purpose and all programs developed by them shall be in the community interest. Public officials shall not exceed their authority or breach the law or ask others to do so. They shall work in full cooperation with other public officials and employees unless prohibited from doing so by law.

13.03. Scope of Persons Covered.

Subd. 1. The provisions of this Code of Ethics are applicable to the Mayor, all members of the Common Council, all appointed city officials, all city employees, and all citizen volunteers serving the City in any capacity.

Subd. 2. Notwithstanding the provisions of this section, the disclosure requirements of Section 13.04 are applicable only to elected officials, city employees (including department heads and supervisors) who have the authority to approve the expenditure of funds, members of the following boards and commissions: Building Code Board of Appeals; Downtown Development District Advisory Board; Housing and Redevelopment Authority; Heating, Ventilation and Air Conditioning Board of Review; Housing Board of Appeals; Music Board; Park Board; Planning and Zoning Commission; Public Utility Board; Library Board; and Zoning Board of Appeals, and any person who has filed an affidavit of candidacy for an elective city office.

13.04. Conflict of Interest.

Subd. 1. No person covered by this Code shall knowingly engage in any conflict of interest, or knowingly engage in any business or transaction, or shall have a direct or indirect financial or other personal interest which is incompatible with the proper discharge of the person's

official duties or would tend to impair the person's independent judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association. For purposes of this section, "financial interest" shall mean a substantial financial interest through the ownership of stocks, bonds, notes, or other securities.

Subd. 2. A conflict of interest shall include, but shall not be necessarily limited to, the following:

(a) Holding a private or other public position in addition to the person's primary public position which interferes or may interfere with the proper discharge of the public duty.

(b) Use of confidential information, obtained as a result of public position, for personal gain.

(c) Soliciting of personal gifts and favors.

(d) Use of official position for personal gain.

(e) Holding investments which will or may interfere with the proper discharge of public duty.

(f) Representation for profit of private interests before City governmental agencies.

(g) Participation as a public representative in a business transaction in which the person has a direct or indirect financial or other personal interest without full disclosure.

(h) Personal interest in legislation to the extent that private interest takes precedence over public interest and duty.

Subd. 3. Notwithstanding any provision of this chapter to the contrary, no person subject to this chapter shall directly or indirectly solicit any gift or accept or receive any gift of substance whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward of any official action on his or her part.

13.45 Use of City Property. Subdivision 1. A city employee shall not use or allow the use of city time, supplies or city-owned or leased property and equipment for the employee's private interests or any other use not in the city's interest, except as provided by law.

Subd. 2. A city employee may use city time, property or equipment to communicate electronically with other persons including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under Minn. Stat. Chapter 179A, provided this use, including the value of the time spent, results in no incremental costs to the city or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.

Subd. 3. The city administrator shall issue a citywide policy on the use of electronic mail and other forms of electronic communications by city employees. The policy shall permit city employees to make reasonable use of City time, property and equipment for personal communications and shall address issues of privacy, content of communications and the definition of reasonable use as well as other issues the city administrator deems to be necessary and relevant.

13.05. Disclosure.

Subd. 1. Within sixty days after the effective date of this Code of Ethics, every person subject to these disclosure requirements shall file with the City Clerk a disclosure statement indicating the following:

(a) A list of interests in real property, except for the person's homestead, located within the City of Rochester.

(b) A list of interests in a business doing business with the City.

(c) A list of interests in any business located within the City.

(d) Current place of employment.

Subd. 2. Every person who files as a candidate for an elective city office must file the statement required by subd. 1 at the time the affidavit of candidacy is filed.

Subd. 3. Material changes in a person's interest or in place of employment shall be disclosed by filing an amended disclosure statement within thirty days after the new interest is obtained or the change in employment occurs.

Subd. 4. For purposes of this section, "interest" shall mean a substantial financial interest through the ownership of stocks, bonds, notes, or other securities. "Doing business" shall mean engaged in any contractual relationship with the City or making application for such relationship or for any relief or benefit available from the City, including but not limited to variance, permit, license, or plat approval.

Subd. 5 The City Clerk shall prepare disclosure forms necessary for compliance with this section.

13.06. Enforcement. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. The City Administrator shall monitor compliance with this chapter and shall report all suspected violations to the City Attorney. If the City Attorney or a member of the City Attorney's office is suspected of having violated this chapter, the Common Council shall employ special counsel to review the complaint and, if warranted, prosecute the action on behalf of the City.

13.07. Effect. This ordinance shall be in full force and effect sixty days from and after its passage and publication as required by law.

(2742, 5/21/91; 2896, 10/5/93; 3162, 4/21/98; 3403 7/17/01)

